

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

GEORGE MORRIS,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
HOLLOWAY CREDIT SERVICES,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT

Plaintiff, GEORGE MORRIS (“Plaintiff”), through his attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, HOLLOWAY CREDIT SERVICES (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Alabama, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

PARTIES

6. Plaintiff is a natural person residing in Harvest, Madison County, Alabama.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5).
8. Defendant is an alleged debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection law firm with a business office in Huntsville, Alabama.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt from Plaintiff.
11. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
12. Defendant calls Plaintiff on his cell phone at 256-694-08xx.
13. In or around the end of February 2012, Defendant left Plaintiff a pre-recorded message requesting he return the call to 1-256-533-9300, a number belonging to Defendant.
14. Defendant left Plaintiff a voicemail message without meaningful disclosure of Defendant's identity. *See* transcribed voicemail attached hereto as Exhibit A.
15. Defendant left Plaintiff a voicemail message which failed to disclose in subsequent communications that the communication was from a debt collector. *See* Exhibit A.
16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, GEORGE MORRIS, respectfully requests judgment be entered against Defendant, HOLLOWAY CREDIT SERVICES, for the following:

18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.

20. Any other relief that this Honorable Court deems appropriate.

Dated: March 26, 2013

RESPECTFULLY SUBMITTED,

By: /s/ M. Brandon Walker

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GEORGE MORRIS

Exhibit A

George Morris v. Holloway Credit Services

Hello, this is David Cash, I have left several messages and I need to hear from George H. Morris today. My phone number is 1-256-533-9300. Again, this is David Cash and I have an important message and I need to hear from you today. The phone number is 1-256-533-9300.

Thank you.